

ASSEMBLY, No. 5013

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

SYNOPSIS

Creates program in Department of Agriculture for deer fencing on certain farmland.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning deer fencing on certain farmland and
2 supplementing Title 4 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. There is established in the Department of Agriculture a
8 matching grant program for the purpose of providing funding for
9 deer fencing to the owner or operator of:

10 (1) unpreserved farmland;

11 (2) a farm for which pinelands development credits have been
12 sold or otherwise conveyed pursuant to the “Pinelands Development
13 Credit Bank Act,” P.L.1985, c.310 (C.13:18A-30 et seq.); or

14 (3) a farm that is located in a sending zone pursuant to section
15 13 of the “Highlands Water Protection and Planning Act,”
16 P.L.2004, c.120 (C.13:20-13).

17 b. (1) The department shall award grants of up to \$200 per acre
18 not to exceed a total of \$20,000 per applicant for up to 50 percent of
19 eligible project costs.

20 (2) Eligible project costs to be funded by a matching grant under
21 the program shall include the cost to purchase deer fencing, or the
22 maintenance costs of existing deer fencing, and any other costs
23 established as eligible project costs pursuant to rules and
24 regulations adopted by the department pursuant to subsection e. of
25 this section.

26 c. The owner or operator of a farm as set forth pursuant to
27 subsection a. of this section shall be eligible for a matching grant
28 for eligible project costs and may apply in the form and manner
29 prescribed by the department if the applicant’s farming operation
30 has a minimum of \$10,000 in gross sales in the preceding calendar
31 year from agricultural or horticultural products grown or derived
32 from the applicant’s farm operation as reflected in either personal or
33 business federal tax return forms.

34 d. The Department of Agriculture shall request annually, as
35 part of its annual budget proposal, such amount as may be necessary
36 to fund the grants authorized pursuant to this section. The
37 department shall also pursue and develop with the Division of Fish
38 and Wildlife in the Department of Environmental Protection, the
39 United States Department of Agriculture, and any other applicable
40 State or federal agency, any available federal, State, local, and
41 private funding for the grants authorized pursuant to this section.

42 e. The Department of Agriculture shall adopt, pursuant to the
43 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
44 seq.), rules and regulations necessary to implement this act,
45 including, but not limited to, establishing information required to be
46 submitted to the department to determine if a farm is eligible for
47 funding pursuant to subsections a. and c. of this section, costs that
48 qualify as eligible project costs in addition to those set forth in

1 section b. of this section, and the manner in which an owner or
2 operator of a farm eligible for funding pursuant to subsections a.
3 and c. of this section shall provide the required 50 percent match for
4 a grant.

5 f. As used in this section, “unpreserved farmland” means a
6 commercial farm, as that term is defined in section 3 of P.L.1983,
7 c.31 (C.4:1C-3), on which a development easement has not been
8 conveyed to, or retained by, the State Agriculture Development
9 Committee, a county agriculture development board, a county, a
10 municipality, or a qualifying tax exempt nonprofit organization
11 pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-
12 31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989,
13 c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-43.1),
14 sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37 through
15 C.13:8C-40), or any other State law enacted for farmland
16 preservation purposes.

17
18 2. This act shall take effect immediately.
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21 STATEMENT

22
23 This bill would create a grant program within the Department of
24 Agriculture to provide matching grants to the owner or operator of
25 (1) unpreserved farmland; (2) a farm for which pinelands
26 development credits have been sold or otherwise conveyed pursuant
27 to the “Pinelands Development Credit Bank Act,” P.L.1985, c.310
28 (C.13:18A-30 et seq.); or (3) a farm that is located in a sending
29 zone pursuant to section 13 of the “Highlands Water Protection and
30 Planning Act,” P.L.2004, c.120 (C.13:20-13).

31 Contingent on available funding, the department would award
32 grants of up to \$200 per acre not to exceed a total of \$20,000 per
33 applicant for up to 50 percent of eligible project costs, which shall
34 include the cost to purchase deer fencing, the maintenance costs of
35 existing deer fencing, or any other costs established as eligible
36 project costs as defined by the department. To be eligible for the
37 program, the applicant would be required to have a minimum of
38 \$10,000 in gross sales in the preceding calendar year from
39 agricultural or horticultural products grown or derived from the
40 applicant’s farm operation. The bill would define unpreserved
41 farmland as a commercial farm, as that term is defined in section 3
42 of P.L.1983, c.31 (C.4:1C-3), on which a development easement has
43 not been conveyed to, or retained by, the State Agriculture
44 Development Committee, a county agriculture development board,
45 a county, a municipality, or a qualifying tax exempt nonprofit
46 organization pursuant to the provisions of section 24 of P.L.1983,
47 c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section
48 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180

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1 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-
2 37 through C.13:8C-40), or any other State law enacted for
3 farmland preservation purposes.

4 The Department of Agriculture would be required to request
5 annually, as part of its budget proposal, such amount as may be
6 necessary to fund the deer fencing matching grant program. The
7 department would also be required to work with the Division of
8 Fish and Wildlife in the Department of Environmental Protection,
9 the United States Department of Agriculture, and any other
10 applicable State or federal agency, to develop any available federal,
11 State, local, and private funding for the grant program. The
12 department would be authorized to adopt rules and regulations to
13 effectuate the program.

14 Within the past 20 years, the Department of Agriculture and the
15 Department of Environmental Protection have had programs to
16 provide deer fencing to farmers to help protect their crops. In 2017,
17 the Department of Agriculture launched a deer fencing program to
18 provide matching grants to farmers for the costs of deer fencing and
19 installation. These funds however are only available to farmers on
20 preserved farmland. This bill would provide a mechanism to help
21 farmers protect their crops on unpreserved farmland as well as on
22 certain farms in the Pinelands and Highlands Region through a
23 matching grant program.